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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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JOHN MCALLISTER,

Plaintiff,

*versus*

ROBERT BEHRNS,

Defendant.

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CIVIL ACTION NO. 1:05-CV-514

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff John McAllister, an inmate confined at the Stiles Unit in Beaumont, Texas, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983 against Robert Behrns.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed for failing to exhaust administrative remedies.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered

in this case in accordance with the Magistrate Judge's recommendations.

SIGNED at Beaumont, Texas, this 30th day of January, 2006.

A handwritten signature in cursive script, reading "Marcia A. Crone".

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE